



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
September 26, 2007 7:30 p.m.  
Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 26, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Vice-Mayor Daly led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**PRESENTATION:**

Proclamation to Stephen E. Smith

Mayor Castro read the proclamation to Stephen E. Smith.

Mr. Smith accepted his proclamation and thanked the Commission.

**Motion: A motion was made by Commissioner Balius to approve the Proclamation to Stephen E. Smith; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**The Commission adjourned at 7:33 pm for an Executive Session with Attorney Client.**

**The Commission reconvened at 8:11 pm.**

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Balius to approve the Agenda; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

None

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Carey**

None

**Commissioner Balius**

None

**Vice-Mayor Daly** stated that he was concerned over the Scripps Meeting that took place the previous night. It seemed that the Mayor of Palm Beach Gardens and one of the Palm Beach County Commissioners had a problem with the Town using Bioscience Overlay property to build a Kohls Department Store. He stated that the Bioscience Board was expecting the Town to hold on to property for five to ten years without receiving any compensation. He expressed his aggravation and concern over the issue.

**Mayor Castro** stated that when the Town decided to be part of the Scripps Bioscience Overlay there were several discussions between Paul Carlisle, former Town Manager and the Commission where they discussed that they wanted to communicate to the Bioscience Board that the Town did not want to be committed to holding property or turning away opportunities for development. He was concerned about adopting policies in the Town's Comprehensive Plan that would preclude the Town from developing property.

**Town Manager Maria Davis** directed Community Development Director Patrick Sullivan to give a comparison of how much land the Town put aside by percentage versus how much land Palm Beach Gardens and other communities put aside for the Bioscience Overlay.

**Community Development Director Patrick Sullivan** stated that the Town had put over 50% of their property into the Bioscience Overlay. The Town would be putting in 334 acres. He stated

that Palm Beach Gardens would have to put in approximately 8000 acres in order to maintain the same ratio as the Town of Lake Park.

**Vice-Mayor Daly** stated that Mangonia Park was beginning to realize that the Bioscience Overlay may not come to pass for the properties they have placed on hold. He recommended that the Commission discuss whether or not they wanted to include the Bioscience Overlay properties set aside in the Comprehensive Plan, and that it should include some sort of escape clause.

**Mayor Castro** directed Town Manager Maria Davis to have the Bioscience Overlay property issue placed as an agenda item for a future Commission Meeting.

**Commissioner Osterman**

None

**Attorney Thomas Baird**

None

**Town Manager Maria Davis** announced that the Village of North Palm Beach would be meeting for a workshop to discuss the Village Shoppes Project on September 27, 2007 at 7:30 p.m.

**Mayor Castro** asked when the Town was informed of the workshop.

**Town Manager Maria Davis** stated that she received notification of the workshop by fax that day.

**Mayor Castro** asked how long the Village of North Palm Beach had known about the workshop.

**Community Development Director Patrick Sullivan** stated that the Village of North Palm Beach had known about the workshop for awhile.

**Mayor Castro** stated that he was very concerned about the lack of communication between the Town and the Village of North Palm Beach concerning the Village Shoppes Project.

**Town Manager Maria Davis** announced that FPL would be replacing 90 existing poles in the Town and upgrading the infrastructure to withstand 145 mile per hour winds. The project would commence in October and be completed in December. Letters would be sent out to residents informing them of the project. FPL did not anticipate any interruption of service during the project.

Town Manager Davis requested guidance from the Commission concerning Julius Automotive. After researching the Town code, staff found that there was an ordinance regarding signage on vehicles for sale. She asked the Commission if they wanted to enforce the code.

**Mayor Castro** directed Town Manager Maria Davis to place the discussion of the vehicle signage ordinance on the agenda for a future Commission meeting.

**Commissioner Osterman** recommended changing the vehicle signage code. She recommended that only full scale dealerships be allowed to have vehicle "For Sale" signage.

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of August 22, 2007
2. Resolution No. 74-09-07 Workforce Alliance Agreement
3. Resolution No. 75-09-07 Ground Maintenance Worker II position
4. Resolution No. 76-09-07 PBSO Addendum to Contract
5. Final 26 Baffle Inserts for the north breakwater at the Marina
6. Resolution No. 77-09-07 Recreational Bond funding for Lake Shore Park playground
7. Resolution No. 78-09-07 New Rental Fee Rate for Lake Shore Park Picnic Pavilion
8. Holiday Boat Parade Contribution
9. Board Appointments for the Community Development Corporation 501(c)(3)

Item #5 Final 26 Baffle Inserts for the north breakwater at the Marina was pulled from the Consent Agenda for discussion.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion:** A motion was made by Commissioner Balias to approve the Consent Agenda with the exception of item #5; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Vice-Mayor Daly asked for clarification of and the status on the baffles for the breakwater at the Marina.

Town Manager Maria Davis stated the baffle project was not stalled and it would be 30 to 60 days before receiving the permit. Vance Construction had built breakwaters for two other municipalities and the bid time would be minimized because the Town could piggyback on another municipality's contract. She anticipated that construction would begin within the next

90 days.

**Motion:** A motion was made by Commissioner Balius to approve item #5 Final 26 Baffle Inserts for the north breakwater at the Marina of the Consent Agenda; Vice-Mayor Daly made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PUBLIC HEARING(S)**

**ORDINANCE ON 2<sup>ND</sup> READING**

**ORDINANCE NO. 23-2007 Millage Rate**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2007/2008; PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion:** A motion was made by Commissioner Osterman to approve Ordinance No. 23-2007 upon 2<sup>nd</sup> reading; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner			

Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 23-2007 by caption only.

**ORDINANCE NO. 24-2007 Budget**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 24-2007 upon 2<sup>nd</sup> reading; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 24-2007 by caption only.

Town Manager Maria Davis stated that there would be two position title changes that would not impact the budget. She stated that in the Finance Department the title of Administrative Assistant would change to Accountant and in the Community Development Department the Administrative Secretary title would change to Administrative Assistant.

Mayor Castro asked if there would be a change in the salary range for those two positions.

Town Manager Maria Davis stated that there would be a change in the salary range of both positions but neither would change or impact the budget.

Mayor Castro directed Town Manager Maria Davis to bring back changes for the two positions for discussion at a future Commission Meeting and to include the changes in the job descriptions



and salary ranges.

**ORDINANCE NO. 25-2007 Budget Amendment**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

None

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance 25-2007 upon 2<sup>nd</sup> reading; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**QUASI-JUDICIAL HEARING:**

**ORDINANCE NO. 26-2007 Rezoning for Kohl's Department Store**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

Mayor Castro – stated that he spoke to Mr. Solar regarding the right of way at Park Ave., and his position on the Kohls Department Store.

Vice-Mayor Daly – none

Commissioner Balias – stated that he spoke with Mr. Solar regarding Kohls and the right of way at Park Ave.

Commissioner Osterman – none

Commissioner Carey – stated that he spoke with Mr. Solar regarding the right of way at Park Ave.

Town Clerk Vivian Mendez swore in all witnesses.

**Public Comment Open.**

*None*

**Public Comment Closed.**

Community Development Director Patrick Sullivan stated the applicant was Congress Avenue Properties who was approached by Kohls to build a department store on the 14.7 acre property located south of the Target store on Congress Ave. The present zoning for the property was C-4 which does not allow for retail use. The applicant was requesting the zoning be changed to a C-2 District which would allow for retail use.

Mayor Castro asked if there would be an issue with DCA.

Mr. Sullivan stated that there would not be an issue with DCA since they were not changing the underlying land use.

Mayor Castro asked who the president of Congress Avenue Properties was.

Town Clerk Vivian Mendez swore in Jamie Gentile of Gentile, Holloway, & O'Mahoney.

Mr. Gentile stated that Phil Brandt was the Senior Vice-President of Congress Avenue Properties.

**Mayor Castro passed the gavel to Commissioner Balias and seconded the motion.**

**Motion: A motion was made by Vice-Mayor Daly to approve Ordinance No. 26-2007 upon 2<sup>nd</sup> reading; Mayor Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor			



Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**The gavel was returned to Mayor Castro.**

### **RESOLUTIONS**

#### **RESOLUTION NO. 57-08-07 Facility Fee Waiver/ Reductions Criteria**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve Resolution No. 57-08-07; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

### **Discussion and Possible Action**

#### **Electronic gates for Lake Shore Park and Summary of Expenditures**

Town Manager Maria Davis stated that three quotes for electronic gates were received in the following amounts: \$31,000, \$38,000 and \$38,000.

Commissioner Carey asked if grant monies could be used for the electronic gates.

Town Manager Maria Davis stated that grant monies could be researched but the grant monies already awarded had been exhausted.

Commissioner Osterman asked if the quotes included the installation of electricity for the gates.

Town Manager Maria Davis stated that the quotes did not include electric installation but included the automatic gates. She explained that the cost for the electric installation would be minimal.

Discussion ensued between the Commissioners regarding the different types of electric gates that could be installed at Lake Shore Park.

**Motion: A motion was made by Vice-Mayor Daly to approve electronic gates for Lake Shore Park; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey		X	
Commissioner Osterman		X	
Vice-Mayor Daly	X		
Mayor Castro		X	

Motion failed 3-2.

Commissioner Balius recommended installing an electronic gate at the south entrance of Lake Shore Park only.

**Motion: A motion was made by Commissioner Carey to approve the installation of an electronic gate at the south entrance of Lake Shore Park only; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**Update on the cost of the ball field trailer.**

Town Manager Maria Davis stated that the trailer was now occupied.

Mayor Castro stated that the trailer was looking better.

Commissioner Osterman stated that the cost of the trailer was more than they had expected.

Commissioner Balius stated that the cost was cheaper than it would have been to rent the trailer.

Town Manager Maria Davis explained that the cost of the trailer was more than expected because she had a lab come in to test the trailer for mold and formaldehyde and the paneling was replaced because of mold contamination.

Discussion returned to the Bioscience Overlay issues and the lack of respect for the Town's position displayed by the representatives from Palm Beach Gardens.

## ADJOURNMENT

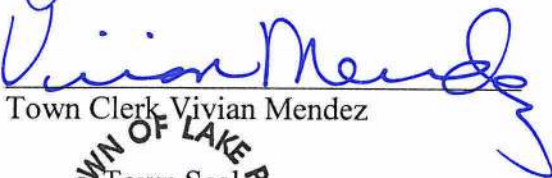
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 8:53 p.m.



Mayor Castro



Deputy Clerk Jessica Shepherd



Town Clerk Vivian Mendez

TOWN OF LAKE PARK  
Town Seal  
SEAL

FLORIDA

Approved on this 17 of October, 2007.

*REGULAR COMMISSION MEETING  
Action Minutes from September 26, 2007*



- A. CALL TO ORDER 7:30 p.m.
- B. INVOCATION Town Clerk
- C. PLEDGE OF ALLEGIANCE Vice-Mayor Daly
- D. ROLL CALL All Present
- E. Proclamation: Stephen E. Smith Approved

THE TOWN COMMISSION WILL RECESS THE REGULAR COMMISSION MEETING AND CONVENE AN ATTORNEY-CLIENT SESSION; AFTER THE ATTORNEY-CLIENT SESSION THE COMMISSION WILL RECONVENE THE REGULAR COMMISSION MEETING AT APPROXIMATELY 8:00 P.M.

The meeting reconvened at 8:11 p.m.

- F. ADDITIONS/DELETIONS. None
- G. PUBLIC and OTHER COMMENT  
This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a TOTAL of three minutes. None
- H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER.
- I. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.
1. Regular Commission Meeting Minutes of August 22, 2007
  2. Resolution No. 74-09-07 Workforce Alliance Agreement
  3. Resolution No. 75-09-07 Ground Maintenance Worker II Position
  4. Resolution No. 76-09-07 PBSO Addendum to Contract
  5. Final 26 Baffle Inserts for the North Breakwater at the Marina
  6. Resolution No. 77-09-07 Recreation & Cultural Facilities Bond Funding for Lake Shore Park Playground
  7. Resolution No. 78-09-07 New Rental Fee Rate for Lake Shore Park Picnic Pavilion
  8. Holiday Boat Parade Contribution
  9. Board Appointments for the Community Development Corporation
- All items on the Consent Agenda were approved
- J. PUBLIC HEARING (S)  
ORDINANCE ON SECOND READING:
- |  |          |
|--|----------|
| 10. Ordinance No. 23-2007 Millage Rate     | Approved |
| 11. Ordinance No. 24-2007 Budget           | Approved |
| 12. Ordinance No. 25-2007 Budget Amendment | Approved |
- QUASI-JUDICIAL HEARING:
- |   |          |
|---|----------|
| 13. Ordinance No. 26-2007 Rezoning for Kohl's Department Store. | Approved |
|---|----------|
- K. RESOLUTION:
- |  |          |
|--|----------|
| 14. Resolution No. 57-08-07 Facility Fee Waiver/Reductions Criteria. | Approved |
|--|----------|
- L. DISCUSSION AND POSSIBLE ACTION:
- |   |                               |
|---|-------------------------------|
| 15. Electronic Gates for Lake Shore Park and Summary of Expenditures. | Approved for south gate only. |
| 16. Update on the Cost of Ball Field Trailer                          |                               |
- M. ADJOURNMENT: 8:53 p.m.